

R E M A R K S

Claims 1, 3-8, 12, 14, and 15 are pending in this application. In the office action:

(1) claims 1, 4-6, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,790,302 (Minematsu) (office action, ¶ 3);

(2) claim 8 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,220,010 (Gomez) (office action, ¶ 4);

(3) claims 3, 7, and 14 were deemed to be allowable if rewritten in independent form (office action, ¶ 5); and

(4) claim 15 stands allowed (office action, ¶ 6).

Reconsideration is respectfully requested.

The Invention

The invention is a necklace having at least two different types of links -- one that articulates in one plane and another that articulates in a different plane. Further, an interconnecting link, having one hinge for articulation in the first plane and a second hinge for articulation in the second plane, is provided to join the two different types of links.

Rejections under 35 U.S.C. § 102(b) (Office Action, ¶¶ 3 and 4)

To sustain a rejection under § 102, “the reference must teach every element of the claim.” M.P.E.P. § 2131 (8th ed., rev. 4, October 2005), page 2100-76. The M.P.E.P. goes on to state that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The cited references fails to teach all of the elements of the claims.

Claims 1, 4-6, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,790,302 (Minematsu) (office action, ¶ 3). Independent claim 1 requires one set of hinge elements that “restrict articulation between the links to a first plane” and another set that “restrict articulation between the links to a second plane, where the second plane is at an angle with respect to the first plane.” Independent claim 12 contains similar language. The Minematsu reference does not contain structure meeting these limitations. Rather, the pivots (elements 3, 5, and 6 in Figures 2 and 4 of Minematsu) restrict the movement of all of the links to a single plane (in the drawings, the plane of the page). As a result, the links of Minematsu cannot move in the planes indicated in the figures on pages 3 and 4 of the office action without removing the pivots or separating the links. Such a reconfiguration of the links is not suggested or taught by the reference, nor would it be obvious to do so. For at least the foregoing reasons, claims 1, 4-6, and 12 distinguish over the art.

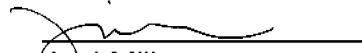
Claim 8 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,220,010 (Gomez) (office action, ¶ 4). Gomez discloses links 30 in the form of pins that permit the elements 2 of the ornamental chain 1 to rotate and slide horizontally with respect to each other. Claim 8 recites a link having “hinge elements [that] restrict articulation of adjacent links to a plane horizontal with respect to the link.” The patent application consistently uses and defines articulation in the horizontal plane as a “side-to-side” movement (e.g., page 3, lines 15-17) and illustrates this movement in Figure 7. This is not found in Gomez nor is rotation or linear displacement equivalent to the applicant’s claimed articulation. For at least the foregoing reasons, claim 8 distinguishes over the art.

Conclusion

The applicant believes that it has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned if there are any questions concerning the application.

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Respectfully submitted,



Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306
Attorney for Applicant(s)